

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**February 7, 2013**



**Right-of-way Abandonment case no. RA13-01: Phillips Addition - Block 17**

**LOCATION:** a request to abandon an approximately 1,742-square foot (0.04 acre) section of public alley right-of-way extending between properties at 607 S. Haswell Street and 606 S. Ennis Street in Block 17 of Phillips Addition

**APPLICANT(S):** Robert M. Wood

**STAFF CONTACT:** Randy Haynes, Project Planner



## **BACKGROUND AND ANALYSIS:**

The alley adjacent and to the rear of property at 607 S. Haswell Drive has been functionally closed for over 50 years and has been incorporated into the improvements built on adjacent properties in the East Side Historic District. The current adjoining property owner/applicant, Mr. Robert M. Wood, wishes to have a portion of the alley officially abandoned in order ensure clear title and obtain legal use of this property. Mr. Roberto Torres, the owner of property adjoining the alley to the southeast at 606 S. Ennis Street, and Mr. Wood have entered into an agreement concerning how to divide the land to their mutual benefit if and when a quitclaim deed is issued by the City of Bryan. The agreed arrangement is as shown on the survey that accompanies this staff report.

During the Site Development Review Committee's review of this request, the Public Works Department identified an existing public sanitary sewer line to be located within this alley segment as well as electrical service lines above. If this right-of-way were abandoned, then an easement over existing public utility facilities will need to be reserved. Such an easement will help ensure access for repairing and replacing public utilities and help prevent buildings which interfere with access to these utilities.

## **RECOMMENDATION:**

Acting on behalf of the general public, only Bryan's City Council is authorized to officially abandon all or portions of rights of way dedicated for public use. The Planning and Zoning Commission hears and makes a recommendation on proposals to abandon any such rights of way.

Excess right-of-way burdens the public with possible continued maintenance, liability concerns, and is an inefficient use of urban land. The right-of-way requested to be abandoned has never been improved with a street driving surface and has been functionally integrated with adjacent land for more than 50 years. Formally abandoning the subject right-of-way, therefore, will not interfere with the smooth circulation of vehicular and pedestrian traffic.

The Site Development Review Committee and staff recommend **approving** the request to abandon the portion of this public alley right-of-way, as requested, **subject to the following condition:**

- **that a public utility easement be reserved for the entire width and length of the abandoned alley right-of-way, to accommodate existing public utility facilities.**

Abandoning the subject right-of-way, as recommended, will allow this land to be formally integrated with adjacent land. Staff contends that the recommended rearrangement of land will have the most likely long-range public benefit.